

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 GENENTECH, INC., et al.,)
12 Plaintiff(s),) No. C08-4909 SI (BZ)
13 v.)
14 SANOFI-AVENTIS DEUTSCHLAND)
15 GMBH, et al.,)
16 Defendant(s).)
17 SANOFI-AVENTIS DEUTSCHLAND)
18 GMBH, et al.,) No. C09-4919 SI (BZ)
19 Plaintiff(s),)
20 v.)
21 GENENTECH and BIOGEN IDEC)
22 INC.,)
22 Defendants.)
22)

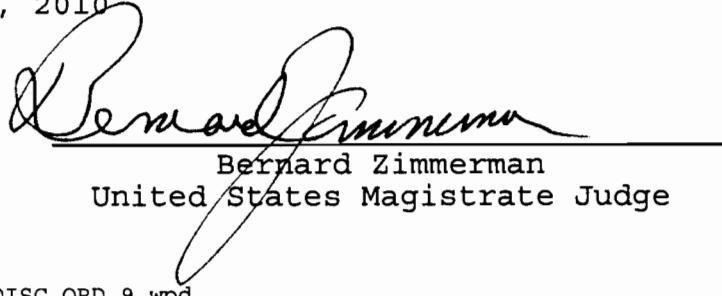
At the October 27, 2010 hearing the parties should be prepared to discuss this possible resolution of Sanofi's motion which the Court is considering:

26 1. The parties would agree on a neutral testing
27 laboratory to conduct the proposed test. That laboratory
28 would be appointed as a special master under Rule 53. The

1 testing protocol would be developed by the neutral laboratory.

2 2. If the test failed to disclose the presence of HCMV
3 enhancers in the tested cells, Sanofi would agree to dismiss
4 its claims against Avastin® with prejudice.

5 Dated: September 24, 2010

6 
7 Bernard Zimmerman
8 United States Magistrate Judge

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